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A PROFESSIONAL CORPORATION  
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4 Attorneys for Plaintiffs  
5

6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA  
8

9 BOARD OF TRUSTEES OF THE SHEET )  
METAL WORKERS, et al., )

10 Plaintiffs, )

11 vs. )

12 DAVID BARTLEY AND JASON MILLS, )  
13 individually and doing business as )  
BART MILL MECHANICAL; BART MILL )  
14 MECHANICAL, a partnership )

15 Defendant. )  
16

NO. C 07 5441 SI

EX PARTE APPLICATION TO  
FILE A SECOND AMENDED  
COMPLAINT  
[FRCP 15(a)(2)]

17 Michael J. Carroll, attorney for plaintiffs submits this ex  
18 parte application to file a Second Amended Complaint on the following.

19 1. The original complaint was filed October 7, 2007.

20 2. I discovered that the named individual plaintiff, was  
21 Duane Turner instead of Dennis Canevari. This was a scrivener's  
22 error. Mr. Turner had retired and been replaced by Mr. Canevari. A  
23 First Amended Complaint correcting this mistake was filed December 13,  
24 2007. The Complaint was served and a default entered on April 22,  
25 2008.

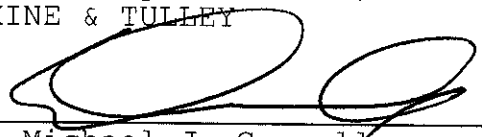
26 3. Last week I discovered that at all times pertinent to  
27 this case, the principals of the business, Mr. Bartley and Mr. Mills  
28 have been operating as a partnership, not as a corporation.

1           4.    Efiled herewith is a (Proposed) Second Amended  
2 Complaint naming the correct parties.

3           5.    Plaintiffs respectfully request that the Proposed form  
4 be accepted and a new summons be issued.

5           Dated:   June 16, 2008

6                               Respectfully submitted,  
7                               ERSKINE & TULLEY

8                               By:   
9                               Michael J. Carroll  
10                              Attorneys for Plaintiffs